IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

Bail Appl..No. 239 of 2007()

CMP.2540/2006 of JUDL. MAGISTRATE OF FIRST CLASS, KOTHAMANGALAM

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: PETITIONER

BIJU @ ACID, BIJU,
AGED 30, S/O.VARGHESE, MARKUZHIKUNNEL HOUSE,
NELLIMATTOM KARA, KOTHAMANGALAM.

BY ADV. SRI.T.RAJESH

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/01/2007,ALONG WITH BA NOS. 240 AND 269 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NOS. 239/07, 240/07 AND 269/07

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DATED THIS THE 18th DAY OF JANUARY, 2007

O R D E R

The common petitioner in these bail applications is the common first accused in Crime Nos.544/06 of Kothamangalam Police Station for offences punishable under sections 457, 380 and 414 read with section 34 IPC, Crime No.394/06 of Kothamangalam Police Station for offences punishable under sections 457, 380 and 414 read with section 34 IPC and Crime No.20/06 of Kottappady Police Station for offences punishable under sections 457, 461, 380 and 414 read with section 34 IPC. The petitioner seeks his enlargement on bail. The petitioner was arrested on 27.11.2006 in Crime No.544/06. His formal arrest in the other cases was recorded on 1.12.2006. His applications for bail preferred before the J.F.C.M., Kothamangalam were dismissed by the Magistrate holding, inter alia, that there was reasonable ground to believe that the petitioner had committed the offences alleged and that if he is released on bail, he is likely to interfere with the investigation and flee from justice.

2. Learned Public Prosecutor opposed the application.

3. The facts of each case would reveal that the petitioner has been committing house breaking during night and committing theft of gold ornaments kept in the residential houses. He has also been convicted for a similar offence in another case. Having regard to the facts and circumstances of the case and the antecedents of the petitioner, if the petitioner is released on bail, he will definitely flee from justice and will not be available for trial in any of the cases before any court. I, therefore, do not find any good reason to differ from the conclusions reached by the Magistrate.

These petitions are accordingly dismissed.

V.RAMKUMAR, JUDGE

dsn